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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,742	07/21/2003	Randal Howard Kerstetter III	DN2002-101	7153
26875 7590 03/26/2008 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				
EXAMINER				
MIGGINS, MICHAEL C				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
03/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,742

Applicant(s)

KERSTETTER ET AL

Examiner

Michael C. Giggins

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/6/08 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-6, 8-9, 11-12, 15-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03268942 (English translation of abstract provided herein) in view of Iwami et al. (US 3525703).

The additional rubber recited in claims 1-2 and 11-12 are optional (since zero wgt% is recited) and need not be disclosed in the prior art in order to read on applicant's claims as written.

JP 03268942 discloses hoses (title) and belts for automotive use that comprise a composition of 100 parts chloroprene and 3-50 parts hydrotalcite which are bonded to nylon or polyester fibers (abstract).

JP 03268942 fails to disclose RFL treatments on its fibers.

Iwama discloses RFL adhesive distributed over surface portions of polyester fibers in order to improve adhesiveness to rubbers such as chloroprene (column 2, lines 25-37, column 3, lines 30-71, column 10, lines 51-71).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided RFL treatments on the fibers of JP 03268942 in order to improve the adhesiveness of the fibers to rubber as taught or suggested by Iwama.

4. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03268942 (English translation of abstract provided herein) in view of Iwami et al. (US 3525703), as applied to claims 1-2, 5-6, 8-12, 15-16 and 18-20 above, and further in view of JP 1268736 (English translation of abstract provided herein).

JP 03268942 fails to disclose the specific hydrotalcite recited by applicant in claims 3 and 13.

JP 1268736 discloses applicant's hydrotalcite recited by applicant in claims 3 and 13 in a chloroprene rubber in order to provide improved vibration dampening, good ozone resistance, and less swelling with anti-freeze (abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided applicant's hydrotalcite recited by applicant in claims 3 and 13 in a chloroprene rubber in order to provide improved vibration dampening, good ozone resistance, and less swelling with anti-freeze as taught or suggested by JP 1268736.

5. Claims 4, 7, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03268942 (English translation of abstract provided herein) in view of Iwami et al. (US 3525703), as applied to claims 1-2, 5-6, 8-12, 15-16 and 18-20 above, and further in view of Igarashi (US 5348779).

JP 03268942 fails to disclose that the fabric is a woven fabric, and wherein the composition comprises magnesium oxide.

Igarashi discloses the use of MgO in chlorinated rubbers in order to prevent deterioration of a hose (column 9, lines 23-47). Igarashi also discloses spiral-knitted yarn (column 5, lines 58-62).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided magnesium oxide in the rubber of JP 03268942 in order to provide corrosion resistance as taught or suggested by Igarashi.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Miggins/
Primary Examiner, Art Unit 1794

MCM
March 13, 2008